

REMARKS

This amendment is submitted along with a request for a three month extension and appropriate fees in reply to the Office Action dated December 10, 2008. Claims 1-22 currently stand rejected. Applicant has amended independent claims 1, 12, 21 and 22 for clarity. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §101

Claims 21 and 22 currently stand rejected under 35 U.S.C. §101 as being non-statutory. Applicant respectfully notes that independent claims 21 and 22 each include instructions stored on an electronic computer readable storage medium, which forecloses the possibility of either claim covering a carrier wave. Moreover, the comment added in the margin of the Office Action further demonstrates this fact. Accordingly, Applicant respectfully submits that the rejections of independent claims 21 and 22 are overcome.

Claim Rejections

Claims 1-8, 10-16 and 18-22 currently stand rejected under 35 U.S.C. §103(a) as being anticipated by Yoshii et al. (U.S. Patent Application Publication No. 2003/0105809, hereinafter "Yoshii") in view of Stettner (U.S. Patent Application Publication No. 2002/0104090). Claim 9 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshii in view of Zigmond et al. (U.S. Patent No. 6,698,020, hereinafter "Zigmond"). Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over to Yoshii in view of Holtz (U.S. Patent No. 6,760,916).

Independent claim 1 provides that the claimed invention relates to a system for organization of signals for transmitting thereof **to a plurality of subscriber receivers**, wherein each signal represents a type of information belonging to a particular contents category. The system includes a central management server, at least one client computer and a transmission unit. The central management server is adapted to receive administrative

instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers. Each of the at least one client computers has an interface towards the central management server and is adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted under the management of the central management server. The transmission unit is adapted to receive the signals and, in accordance with an organization scheme produced by the central management server, transmit these signals to the subscriber receivers. The proposed organization scheme specifies, for each signal to be transmitted, at least a transmission resource, a time instance and a contents category. For at least one segment of the signal the contents category determines which sub-segment that will be presented in which subscriber receiver.

According to the present invention, a client computer (e.g. located at an advertiser's or TV network facilities) provides instructions regarding the signals (advertisement, programming content, etc.) to be transmitted. In fact, the instructions provided by the client computer only render it possible to determine which signal that will be transmitted via which resource (channel, etc.) at a particular point in time. Accordingly, an object of some embodiments of the present invention is to provide a signal transmission solution which enables distributed clients to conveniently organize transmissions via or under the management of shared resources. This system is advantageous because it allows a given amount transmission resources to be shared among a number of operators, and at the same time, provides each operator with a large degree of freedom with respect to how their portion of the resources is utilized. Thus, the invention offers an excellent tool for all operators to distribute mass media, such as satellite-TV, cable-TV, terrestrial broadcasting, etc. (Page. 9, lines 10 – 12).

Thus, a major difference between the claimed invention and Zigmond is that a *central management server coordinates all types of instructions* (which typically originate from a plurality of instances, i.e. the client computers, which each has the authority to organize a sub-set of the signals). This is an important difference, since the central management server organizes the distribution of the different signals over the transmission resources in accordance with each client computer's instructions. Namely, it is impossible to attain an optimal distribution of the

signals from the signal sources over the available distribution resources without the central management server (or equivalent network function).

Yoshii, describes “a content delivery method which distributes content from a server to a plurality of customers according to their desired delivery schedules. The server receives delivery schedule information from each individual user which specifies a desired delivery time where a user is a customer and a viewer (Page 5, [0108] lines 18 – 20). Accordingly, the server delivers specified content to every requesting user terminal when desired. As such, it is understood that a customer schedules his or her own delivery time from available content already planned to be broadcasted on television (Page 5, [0111] lines 35 – 45). Thus, the user and the customer are same person that schedules and then receives and views the requested content. The content is therefore delivered to the same user’s terminal when the distribution manager first identifies the requesting customer (Page 6, [0118] lines 53 – 63 and Page 8, [0150]). Yoshii, as well as the prior cited documents, describes that the schedule manager creates such schedule tables, one for every member (subscriber), (Page 8, [0140]). However, Yoshii discloses a solution which is a combination of a VoD (Video on Demand) service, where a customer requests desired content from a list of available content already available on television, and EPG (Electronic Program Guide) which allows a customer to choose desired content to be displayed in a row after each other from a list of available broadcast content on television. On the contrary, there is no indication how the content has been made available on the television itself from the beginning, which is the case according to the amended independent claims 1, 12, 21 and 22 of the present invention.

All of the cited references that have been presented in the search report are referring to interactive solutions that give a user (subscriber) control only over his or her own desired content individually through their own receivers or so called terminals, respectively. Therefore, solutions according to the cited documents require active involvement of every individual subscriber to choose their own schedule(s), plan and request how to receive and view the available content. The system is therefore inefficient since each user communicates with the system individually and the requested content is delivered to each user (customer) separately.

Accordingly, the above-mentioned solutions described in the cited references occupy large portion of bandwidth to deliver requested content to each and every subscriber.

On the contrary, the central management server of embodiments of the present invention organizes and optimizes the distribution of the different signals over a number of transmission resources in an efficient way and in accordance with each client computer's instructions. Thus, the objective problem that the invention solves in relation to the cited documents is thus to accomplish an efficient usage of available distribution resources, and at the same time to enable a number of client operators to organize transmission of their signals respectively in a flexible manner. Accordingly, operators such as advertisers, cable and TV network operators, etc., are professionals who instruct the central management server to organize the content to be transmitted over a number of transmission resources (e.g., TV3, TV4, TV5, CNN, Fill1, Fill2, Fill3, Fill4). For example, an operator does not need to contact every TV channel (television network) to transmit a portion of content and instead the operator may choose best available TV channel (resource) to reach the intended viewers (FIG. 4 and Page 17, lines 22 – 24). Consequently, the operator may efficiently implement the distribution of resources through the central management server (Page 16, lines 20 – 29 of PCT application). Hereby, embodiments of the present invention improve the operators' possibilities of accomplishing an apposite planning of their transmissions through a number of graphical user interfaces (page 7, lines 1-32 of the PCT application). Since Yoshii fails to teach or suggest the above described features of independent claims 1, 12, 21 and 22, it is therefore considered that the claimed invention is patentable over Yoshii.

Zigmond and Holtz fail to cure the deficiencies of Yoshii in this regard and are not cited as such. Thus, independent claims independent claims 1, 12, 21 and 22 are patentable over Yoshii, Zigmond and Holtz, alone or in combination.

Applicant also respectfully notes that the cited references neither teach or suggest anything that would lead a skilled person confronted with the objective problem to modify the solution of cited documents according to independent claims 1, 12, 21 and 22. On the contrary, the solutions consistently discussed in the cited references are regarded to direct the skilled person's attention to the fact that it is advantageous to optimize or design a system for a user

Appl. No.: 10/563,396
Amdt. Dated April 1, 2010
Reply to Office Action of October 1, 2009

(subscriber) to view desired content (1) automatically, (2) to increase the bandwidth to overcome bandwidth limitations and (3) user specific distribution or so called "Unicast". Additionally, it is far from a straightforward task for skilled person to implement a solution of these documents the objective problem solved by the invention in relation to each other to accomplishing an efficient usage of multiple distribution resources in a network at the disposal of a number of client computers. Moreover, as indicated in the comment on page 11 of the Office Action, the Office Action fails to properly provide any explicit apparent reason or motivation for combining Zigmond and Yoshii and therefore the rejection of claim 9 is inappropriate in any case.

For at least the reasons provided above, the claimed invention according to independent claims 1, 12, 21 and 22 is not considered to be obvious to a person skilled in the art in the light of the cited references, alone or in combination. Claims 2-11 and 13-20 depend either directly or indirectly from respective ones of independent claims 1 and 12, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-11 and 13-20 are patentable for at least those reasons given above for independent claims 1 and 12.

Accordingly, for at least the reasons provided above, Applicant respectfully submits that the rejections of claims 1-22 are overcome.

Appl. No.: 10/563,396
Amdt. Dated April 1, 2010
Reply to Office Action of October 1, 2009

CONCLUSION

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON April 1, 2010.**

LEGAL02/31842410v1